

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THOMAS CONCERT,

Plaintiff,

v.

SWOYERSVILLE BOROUGH, et al.,

Defendants.

CIVIL ACTION NO. 3:11-cv-2332

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

MEMORANDUM ORDER

On March 6, 2012, Magistrate Judge Martin C. Carlson issued a Report and Recommendation in this matter recommending that the Defendants' Motion to Dismiss be Granted for Plaintiff's failure to state a claim. (Doc. 14.) In his Brief in Opposition to the Defendants' Motion to Dismiss, Plaintiff repeatedly requested leave to amend his Complaint, and Magistrate Judge Carlson recommended that Plaintiff be allowed to so amend. While Plaintiff was granted an extension of time to file his objection to the Magistrate Judge's Report and Recommendation, on April 10, 2012, Plaintiff Concert filed an Amended Complaint without any objection to the Report and Recommendation. (Doc. 17.)

As there has been no objection to the Report and Recommendation, the Court has reviewed it for clear error will adopt it in full—granting the Defendants' Motion to Dismiss while granting Plaintiff leave to amend his Complaint. Further, the Court will accept the Plaintiff's Amended Complaint as filed on April 10, 2012. An appropriate order follows.

Date

April 13, 2012


A. Richard Caputo
United States District Judge